

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**SERGIO ALBERTO ORNELAS-ORTEGA,**

**Petitioner,**

**v.**

**No. 21-cv-1198 WJ-SMV  
No. 20-cr-0245 WJ-SMV**

**UNITED STATES OF AMERICA,**

**Respondent.**

**ORDER TO ANSWER**

THIS MATTER is before the Court on Petitioner's Motion to Vacate Convictions Under 28 U.S.C. § 2255 ("Habeas Motion"). [CV Doc. 1; CR Doc. 33]. Petitioner challenges his federal drug convictions based on ineffective assistance of counsel. Having reviewed the allegations pursuant to Habeas Corpus Rule 4, the Court determines the Habeas Motion is not subject to summary dismissal. The Court will, therefore, order the United States to respond to the Habeas Motion [CV Doc. 1] within 30 days of entry of this Order.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the Clerk's Office **FORWARD** to the United States Attorney's Office a copy of Petitioner's Habeas Motion [CV Doc. 1], along with a copy of this Order.

**IT IS FURTHER ORDERED** that the United States must **FILE** a habeas response no later than **February 11, 2022**.



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**STEPHAN M. VIDMAR  
UNITED STATES MAGISTRATE JUDGE**